



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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## Annual Report (2002)

### MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2002 was as follows:

Mary L. Staudenmaier  
Hon. Eric J. Wahl  
Curtis Brieske  
Glenn E. Carr  
Dennis A. Danner  
Robert J. Janssen  
Joseph D. Kearney  
Kevin Kelly  
Harry Maier  
John O. Olson  
Catherine M. Rottier

Marinette  
Eau Claire  
Wilton  
Chicago  
Franklin  
DePere  
Milwaukee  
Madison  
DePere  
Lake Geneva  
Madison

Chairperson  
Vice-Chairperson

By order of January 18, 2002, the Court appointed Atty. Glenn E. Carr for a three-year term expiring December 31, 2004. At the close of the year, the terms of two Board members expired. Attys. John O. Olson and Catherine M. Rottier were eligible for reappointment, and the Court reappointed them to terms expiring December 31, 2005. Atty. Mary L. Staudenmaier, whose second term expired December 31, 2002, had served two terms and was ineligible for reappointment; the Court appointed Atty. Mary Elizabeth Keppel to a three-year term expiring December 31, 2005. The Board elected Hon. Eric J. Wahl as its Chairperson and Atty. John O. Olson as its Vice-Chairperson for 2002.

The Board met seven times in 2002 in Madison and, in addition, graded two bar examinations. The December Board meeting included a joint meeting with the Court, at which policy matters of common concern were discussed.

In 2002 the staff of the Board included the following persons:

Gene R. Rankin	Director
Ruth Janto-Wolter	Deputy Director
Jill Remy	Bar Application Manager (Bar Exam)
April Stegmann	Bar Application Manager (Diploma Privilege)
Jennifer Cramer	Character and Fitness Investigator (50% to November 6, 2002)
Melissa Austin	Character and Fitness Investigator (50% to August 21, 2002)
Ben Hopkins	Character and Fitness Investigator (full-time, from October 9, 2002)
Tammy McMillen	CLE Records Manager
Dianne Knipfer	Course Approval Coordinator (75%)
Toni Gilbertson	Program Assistant

### FUNDING SOURCES

The mandatory continuing legal education requirement was self-funded in fiscal year 2002 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$11.50 and \$5.75, respectively. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admissions certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fees authorized by the Court were set September 1, 2000. For taking the Wisconsin Bar Examination, the fee was set at \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee was set at \$850; for diploma privilege character and fitness ("C&F") certification, the fee was set at \$210.00; the admission fee for all modes was set at \$100.00; and late fees for admissions were set at \$200.00. Revenues shown are actual revenues; they include all late filing fees and do not include 2003 fees received in 2002.

### CALENDAR 2002 MAJOR INCOME SOURCES

<u>CLE</u>	<u>Amount</u>
Revenue received from assessment	\$228,816.00
Late fees received @ \$50 (578)	\$ 28,900.00
CLE Reinstatement fees @ \$100 (69)	\$ 6,900.00
CLE 3-yr Reinstatement fees @ \$200 (2)	\$ 400.00
Ch. 40 Reinstatement fees @ \$200 (16)	\$ 2,800.00
Ch. 40 Readmission fees @ \$200 (2)	<u>\$ 400.00</u>
TOTAL	<u>\$268,216.00</u>

<u>Bar Admissions</u>	<u>Amount</u>
Bar examination filing fees (234)	\$103,740.00
Reciprocity filing fees (104)	\$ 67,200.00
Admission fees (773)	\$ 77,300.00
Diploma privilege C&F investigation fees (455)	<u>\$115,640.00</u>
 TOTAL	 <u>\$363,880.00</u>

#### MANDATORY CONTINUING LEGAL EDUCATION

The 2002 calendar year was the year in which reports concerning compliance with the 2000-02 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. 7,549 lawyers admitted to practice law in Wisconsin in even-numbered years were obligated to comply with the requirement. 127 lawyers were suspended for non-compliance with CLE in 2002 and, of the 2803 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,499 remained suspended at the end of calendar 2002.

In 2002, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 41 organizations. In addition, 7,310 activities were approved on a course-by-course basis, which was an increase of 4.5% from the previous year. 2307 activities were approved for ethics and professional responsibility (EPR), an increase of 17.8%. Individual approval was extended to 2 courses. 21 Judicial Education courses were approved, the same as in the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 113 courses for GAL credit in 2002, which was an increase of 73.4% from the previous year.

The total number of all CLE activities sited in Wisconsin was 3,471, an increase of 6.7% from the previous year. Approval was denied in 39 cases (down from 52), and EPR approval was denied in 437 cases (up from 292). Principal reasons for denial of approval were the failure to have a continuous hour of EPR, as required by SCR 31.07(5).

#### ADMISSION TO THE PRACTICE OF LAW

The Board amended Chapter 40 Appendix by adopting BA 6.04, whose effect it is to render into rule the Board's adopted policy of providing the Board's decision packet to applicants it decides to send letters setting forth its intent to deny admission.

## Diploma Privilege

The Board received 455 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 4.6 % increase over the 435 applications filed in the previous year. 463 were certified to the Court and admitted in 2002, which number includes those who graduated in 2001 but who were not certified nor admitted until the following year. This represents an 18.5% increase over the 422 applicants admitted in the previous year.

One applicant withdrew their application. Five applicants' files were closed for lack of response. One applicant's file was closed for the reason that the application was made after the deadline set by SCR 40.09. One previously-certified applicant's certification lapsed, for the reason that they failed to be sworn in within a year of certification. The Board notified two graduates of Wisconsin law schools that it intended to deny their admission on character and fitness grounds. Hearings were requested by and granted to both, who were subsequently admitted. Where the Board reversed its position and admitted an applicant it had intended to deny, it was because the applicant provided additional information that persuaded the Board to reconsider its denial. The 2001 denial of admission of a 1998 graduate remains pending on appeal.

## Wisconsin Bar Examination

The Board administered two bar examinations in 2002 to a total of 297 applicants. This represents a 3.9% decrease over the 309 applicants in the previous year. Statistical information is as follows:

<u>2002 Wisconsin Bar Examinations</u>	<u>Feb. 02</u>	<u>July 02</u>	<u>Total</u>
Applicants Writing Examination	116	181	297
Successful Examinees	70 (67%)	151 (83%)	221 (74%)
First-Time Takers	79	159	238
Successful First-Time Takers	52 (66%)	134 (84%)	186 (78%)

Of these, three examinees in July were from non-ABA-approved law schools. All passed.

The files of three applicants were closed for lack of response. The Board notified two examinees that it intended to deny their admission on character and fitness grounds. Both were granted hearings and were subsequently admitted. Findings and Conclusions denying admission were issued to two applicants from 2001, both appealed the Board's denial, and the appeals are pending. One appeal of a denial of admission in 2001 was upheld by the Court in 2002. Where the Board reversed its position and admitted an applicant it had intended to deny, it was because the applicant provided additional information that persuaded the Board to reconsider its denial.

### Admission on Reciprocity

In addition, the Board administered the rules for admission on reciprocity. In 2002 the Board received 80 applications under SCR 40.05. 11 pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the reciprocity requirement or inability to meet the durational requirements of the relevant rules) and the files of 7 were closed for lack of response. Three previously-certified applicants' certifications lapsed, for the reason that they failed to be sworn in within a year of certification. One appeal of a denial of admission in 2001 was upheld by the Court in 2002. The principal source jurisdictions continued to be Minnesota and Illinois.

The Board notified three examinees that it intended to deny their admission. Of these, one was cleared, one was closed as it had become moot (the applicant was admitted by examination), and one, notified that the denial was on character and fitness grounds, remains under consideration. Where the Board reversed its position and admitted an applicant it had intended to deny, it was because the applicant provided additional information that persuaded the Board to reconsider its denial.

### Actual Admission

<u>Type of Admission</u>	<u>Year of Admission</u>					<u>Change Since 2001</u>
	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	
Admission by Examination	234	221	183	224	234	(+4.5%)
Admission on Reciprocity	96	117	97	80	76	(-5.0%)
Admission by Diploma Privilege	<u>382</u>	<u>418</u>	<u>356</u>	<u>441</u>	<u>463</u>	<u>(+5.0%)</u>
TOTAL	712	756	636	745	773	(+3.8%)

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	28
Chapter 31 reinstatements	74
Readmission following voluntary resignation from the bar	7
Name changes	98

Respectfully submitted,

Gene R. Rankin, Director  
Board of Bar Examiners

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